

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DANNY LEROY BUTLER,**  
**Plaintiff,**

**CIVIL ACTION**

**v.**

**ARTIC GLACIER USA,**  
**Defendant.**

**NO. 15-3302**

**ORDER**

**AND NOW**, this 28th day of September, 2016, upon consideration of Defendant Arctic Glacier USA's Motion for Summary Judgment (ECF No. 42); Plaintiff Danny Leroy Butler's Response in Opposition thereto (ECF No. 45); and Defendant's Reply in Support thereof (ECF No. 47), and for the reasons set forth in the Court's Memorandum Opinion of September 29, 2016 (ECF No. 48), **IT IS ORDERED** that:

- (1) Plaintiff has **WITHDRAWN** Count III (ADEA) and his age discrimination claim in Count IV (PHRA), and those claims are **DISMISSED WITH PREJUDICE**;
- (2) Defendant's motion for summary judgment is **GRANTED in part and DENIED AS MOOT in part** as follows:
  - (a) The motion is **GRANTED** with respect to Count I (section 1981), Count II (Title VII), and the race discrimination claim in Count IV (PHRA). **JUDGMENT IS ENTERED IN FAVOR** of Defendant Arctic Glacier USA, and **AGAINST** Plaintiff Danny Leroy Butler on Counts I and II in their entirety, and the race discrimination claim in Count IV;
  - (b) The motion is **DENIED as MOOT** with respect to Count III (ADEA), Count V (wrongful discharge), and the age discrimination claim in Count IV (PHRA).
- (3) Pursuant to 28 U.S.C. § 1367(c)(3), the Court declines to exercise supplemental jurisdiction over Count V (wrongful discharge), and Count V is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of the Court is directed to close this case.

**BY THE COURT:**

**/S/WENDY BEETLESTONE, J.**

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**WENDY BEETLESTONE, J.**